

Application No. 09/814,625

Applicants: Peter Gleichenhagen et al.

Amendment in Response to Office Action dated December 4, 2003

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claims 12- 30 are pending. Claims 12- 30 have been deemed to contain allowable subject matter. Amendments have been made to claims 12, 13, and 23 in response to the rejections under 35 U.S.C. 112, second paragraph. Amendments have been made to claims 16, 17, and 25 to correct typographical errors. Changes that have been made to the claims using strikethrough and underlining are presented above. It is believed that no new matter has been added.

Information Disclosure Statement

The Examiner found the references cited in the instant specification as an improper information disclosure statement. Applicants will submit an Information Disclosure Statement in accordance with the Examiner's finding.

Rejections under 35 U.S.C. 112, second paragraph

Claims 12-30 stand rejected by the Examiner under 35 U.S.C. 112, second paragraph as being indefinite. The Examiner found no nexus in claim 12 between "polymerizing polyacrylate precursor monomers in aqueous dispersion" and "concentrated aqueous dispersion". In response, Applicants have amended claim 12 for clarity to show "polyacrylate precursor

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monomers in an aqueous dispersion", wherein "a concentrated aqueous dispersion" is obtained after polymerizing the polyacrylate precursor monomers. The Examiner also found the term "Ø" to be indefinite. Applicants have canceled the term. Claim 13 was found to be indefinite in view of the term "based on the total weight". Applicants have amended the claim to clarify the relationship of the monomers in the instantly claimed invention, by breaking up the claim into subsections a), b) and c). Support for the amendment is found at page 7, lines 3-7 of the instant specification. In claim 23, the Examiner did not find how the claim limits the previously recited claim 22. In response, Applicants have amended claim 23 to make clear how claim 23 limits claim 22. In particular, claim 23 recites devices not required by claim 22.

For the record, Applicants emphasize that although the claims were amended to overcome this rejection, and, therefore, might be considered to have been amended for a reason substantially related to patentability, a fair reading of the amended claims will reveal that the departures from the previous claims were for clarification purposes only, and that Applicants did not narrow the claims in any material respect. Therefore, Applicants submit that the amended claims are entitled to the full range of equivalents.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

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Conclusion

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

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Early and favorable action is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, P.O. Box 1450, Alexandria, VA 2231301450, on the date indicated below:

Date: March 4, 2004

By Julie Hartup